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20 CITY AND COUNTY OF SAN FRANCISCO

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23  
24 UNITED STATES DISTRICT COURT  
25  
26 NORTHERN DISTRICT OF CALIFORNIA

27 JAMESON ASHLEY,  
28 Plaintiff,  
vs.  
CITY AND COUNTY OF SAN  
FRANCISCO, MICHAEL HENNESSEY,  
individually and in his official capacity as  
Sheriff of the San Francisco County Sheriff's  
Department; and DOES 1 to 30,  
Defendants.

Case No. CV12 0045 JSW

**[PROPOSED] STIPULATED ORDER  
AUTHORIZING DISCOVERY OF  
CONFIDENTIAL CRIMINAL HISTORY  
INFORMATION IN THE POSSESSION OF  
DEFENDANT CITY AND COUNTY OF SAN  
FRANCISCO**

Date Action Filed: January 26, 2012  
Trial Date: April 29, 2013

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**STIPULATION**  
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34 Pursuant to Federal Rule of Civil Procedure 26(c) the parties have met and conferred and  
35 stipulate as follows:

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37       ///

1       1.     Good cause exists for the Court to authorize the parties to this action to receive certain  
2 "state summary criminal history information," as defined in California Penal Code section 11105(a), in  
3 the possession of the City and County of San Francisco. Namely:

4       2.     Plaintiff Jameson Ashley contends, *inter alia*, that the Defendant City and County of  
5 San Francisco booked Plaintiff under the wrong name, which ultimately led to his being held in San  
6 Francisco County Jail for an extended period of time.

7       3.     In connection with the arrest and booking process in San Francisco, various documents  
8 are generated that contain information such as unique identifying information based on fingerprints  
9 and criminal histories. This information is used in connection with making identification and custody  
10 decisions and it is therefore relevant to Mr. Ashley's claims in this action. However, at least some of  
11 the information contained in these documents is or could be considered "state summary criminal  
12 history information," is subject to protection under California law. Section 11142 of the California  
13 Penal Code makes it a misdemeanor to disclose state summary criminal history information to a  
14 person who is not authorized to receive such information. However, under section 11140 of the  
15 California Penal Code, a court may authorize persons to receive such information. Because good  
16 cause exists for discovery of the state summary criminal history information that was generated in  
17 connection with the subject arrests and bookings in this action, the parties respectfully request that the  
18 Court authorize San Francisco to disclose that information in discovery.

19       4.     State summary criminal history information produced in this action shall be treated as  
20 confidential information subject to the terms of the Stipulated Protective Order in this action.

21           IT IS SO STIPULATED.

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1 Dated: October 3, 2012

2 DENNIS J. HERRERA  
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8 LEILA K. MONGAN  
9 Deputy City Attorneys

10  
11 By: /s/ Bradley A. Russi  
12 BRADLEY A. RUSSI

13 Attorneys for Defendant  
14 CITY AND COUNTY OF SAN FRANCISCO

15 Dated: October 3, 2012

16 SIMS, CURRAN & OCKEN

17 By: /s/ Stuart R. Curran  
18 STUART R. CURRAN, ESQ.

19 Attorneys for Plaintiff  
20 JAMESON ASHLEY

21  
22 **ORDER**

23 BASED ON THE ABOVE ENTERED STIPULATION, the City and County of San Francisco  
24 is authorized to release state summary criminal history information pursuant to the terms of the  
25 foregoing stipulation.

26 IT IS SO ORDERED.  
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28 Dated: October 2, 2012

  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE